

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

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DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 04-30126-MAP

v.

CARDIAC SCIENCE, INC.,

Defendant

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**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**  
**UNDER FED. R. CIV. P. 56**

**COMES NOW Defendant** Cardiac Science, Inc., and hereby moves the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment on every claim brought against it by Plaintiff, Donald C. Hutchins ("Plaintiff") on grounds that:

1. Plaintiff's claim of copyright infringement must fail because the undisputed facts show that Cardiac Science had license rights to the asserted copyrights.
2. Plaintiff's claim of patent infringement must fail because the undisputed facts show that Cardiac Science had license rights to the asserted patent.
3. Plaintiff's abuse of process claim must fail because the undisputed facts do not support the claim.
4. Plaintiff's tortious interference with contract claim must fail because the undisputed facts do not support the claim.

Cardiac Science's motion is supported by the Memorandum of Law in Support of Defendant's Motion for Summary Judgment, the documents attached thereto, and all of the files, records and proceedings in this matter.

Respectfully submitted,

**CARDIAC SCIENCE, INC.**

Dated: March 9, 2007

By: s/ Eric H. Chadwick  
Eric H. Chadwick (*Pro Hac Vice*)  
Scott G. Ulbrich (*Pro Hac Vice*)  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 3:04-cv-30126 MAP

v.

**CERTIFICATE OF SERVICE**

CARDIAC SCIENCE, INC., ET AL.,

Defendants.

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I hereby certify that on **March 9, 2007**, I caused the following documents:

1. **Defendant's Motion For Summary Judgment Under Fed. R. Civ. P. 56**
2. **Proposed Order**

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Mr. Paul H. Rothschild  
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I further certify that on March 9, 2007 the following was served upon the below-named parties via United States Mail, postage prepaid:

Mr. Donald Hutchins  
1047 Longmeadow Street  
Longmeadow, MA 01106-2201

Respectfully submitted,

**PATTERSON, THUENTE,  
SKAAR & CHRISTENSEN, P.A.**

Dated: March 9, 2007

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**ATTORNEYS FOR CARDIAC SCIENCE, INC.**